

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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|-------------------------|-----------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2178936 |
| Decision Date: | 01/12/2022 | Hearing Date: | 01/07/2022 |
| Hearing Officer: | Thomas J. Goode | | |

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Sheldon Sullaway, DentaQuest



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

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|---------------------------|-------------------------------|--------------------------|------------|
| Appeal Decision: | Denied | Issue: | Dentures |
| Decision Date: | 01/12/2022 | Hearing Date: | 01/07/2022 |
| MassHealth's Rep.: | Dr. Sheldon Sullaway | Appellant's Rep.: | Pro se |
| Hearing Location: | Board of Hearings (Remote) | | |

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated November 12, 2021, MassHealth denied Appellant's prior authorization request for a lower partial denture (130 CMR 420.428 and Exhibit 1). Appellant filed this appeal in a timely manner on November 29, 2021 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for a lower partial denture.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.428, in denying Appellant's prior authorization request for a lower partial denture.

Summary of Evidence

MassHealth was represented by a licensed dental consultant who appeared by telephone and testified to 40 years of clinical experience, and status as a professor of dental medicine at Tufts University Dental School. On November 12, 2021, a prior authorization request for a partial lower denture was denied. The MassHealth representative testified that MassHealth records show that

MassHealth paid for Appellant's partial lower denture on July 29, 2021. Citing 130 CMR 420.028(F)(5), the MassHealth representative testified that MassHealth pays for dentures once every 84 months unless an exception applies. Appellant's dentist did not submit X-rays or a narrative with the prior authorization request explaining Appellant's denture history.

Appellant testified that she received the partial lower denture in July 2021, but while driving and eating lunch, she heard the lower denture crack and she swallowed part of it which she later passed naturally after going to the Emergency Room at Lowell General where X-rays were taken. Appellant testified that she was not sure what happened to the rest of the denture, and assumed she swallowed it also. Appellant stated that the denture never fit correctly, and the dentist "sanded it down" twice to make it fit better, but the denture kept coming out of her mouth. After swallowing the partial denture, she returned to the same dentist and asked him to make a new partial denture.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. On November 12, 2021, a prior authorization request for a partial lower denture was denied.
2. MassHealth paid for Appellant's partial lower denture on July 29, 2021.
3. Appellant's dentist did not submit X-rays or a narrative with the prior authorization request explaining her denture history.
4. No evidence from Lowell General was submitted with the request.

Analysis and Conclusions of Law

Regulation 130 CMR 420.428(F) states that the MassHealth agency pays for dentures once per seven (7) calendar years per member, subject to the limitations specified in 130 CMR 420.428(B). The MassHealth agency pays for the necessary replacement of dentures. The member is responsible for denture care and maintenance. The member, or persons responsible for the member's custodial care, must take all possible steps to prevent the loss of the member's dentures. The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. The MassHealth agency does not pay for the replacement of dentures if the member's denture history reveals any of the following:

- (1) repair or reline will make the existing denture usable;
- (2) any of the dentures made previously have been unsatisfactory due to physiological causes that cannot be remedied;
- (3) a clinical evaluation suggests that the member will not adapt satisfactorily to the new denture;
- (4) no medical or surgical condition in the member necessitates a change in the denture or a requirement for a new denture;

- (5) the existing denture is less than seven years old and no other condition in this list applies;
- (6) the denture has been relined within the previous two years, unless the existing denture is at least seven years old;
- (7) there has been marked physiological change in the member's oral cavity, any further reline has a poor prognosis for success; or
- (8) the loss of the denture was not due to extraordinary circumstances such as a fire in the home.

MassHealth paid for Appellant's partial lower denture on July 29, 2021. Therefore, the partial lower denture is less than 7 years old. MassHealth pays for the necessary replacement of dentures subject to the limitations outlined above. Appellant's dentist did not submit a narrative documenting Appellant's denture history or X-rays with the prior authorization request, and no evidence from Lowell General corroborating Appellant's testimony was submitted with the request. Appellant's testimony is not credible in the absence of corroborating documentation, and therefore does not constitute an extraordinary circumstance as outlined above.¹ As there is no clinical information regarding Appellant's denture history that meets an exception outlined above, and the existing denture is less than 7 years old, the appeal is DENIED.

Order for MassHealth

None.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA

¹ The MassHealth representative testified that it is unlikely that a partial denture could be swallowed as dentures are too big to swallow and are designed to prevent that from happening, but it might be possible to swallow a piece of a broken denture. However, Appellant stated that she doesn't know what happened to the rest of the denture and assumes she swallowed the entire denture in two or more pieces which simply strains credulity without corroborating evidence.